

Senate Bill 665

By: Senator Adelman of the 42nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 8 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to protection of elder persons, so as to provide legislative findings; to provide definitions; to provide for the crime of criminal neglect of an adult; to provide for penalties for violations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that particular attention should be devoted to crimes of neglect of elders and vulnerable adults because the effects of medications, illnesses, and physical or mental impairments make it more difficult for these victims to protect themselves, to understand and report criminal conduct, or to testify in court proceedings.

SECTION 2.

Article 8 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to protection of elder persons, is amended by designating the existing matter in such article as Part 1 and adding a new Part 2 to read as follows:

"Part 2

16-5-105.

As used in this part, the term:

(1) 'Caregiver' means:

(A) Any individual who receives compensation for the provision of care needed to maintain the physical and mental health of an elder person or vulnerable adult; or

(B) Any identified relative or other person in a relationship of responsibility, such as an agent under a valid durable power of attorney for health care, who has assumed the primary responsibility for the provision of care needed to maintain the physical or mental health of an elder person or vulnerable adult and who does not receive financial compensation for the care provided.

(2) 'Elder person' means any person 65 years of age or older.

(3) 'Vulnerable adult' means any person between the ages of 18 and 65 who had been declared incapacitated by a court of competent jurisdiction, receives social security disability income, or is a resident of a skilled nursing facility, community living arrangements facility, or personal care home.

16-5-106.

(a) Any caregiver of an elder person or vulnerable adult commits the crime of criminal neglect of an adult when such caregiver fails to perform his or her caregiving duties and such failure causes the elder person or vulnerable adult to suffer bodily harm.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor.

(c) The provisions of this Code section shall not apply to a physician; any person acting under such physician's direction; or a hospital, skilled nursing facility, hospice, or any agent or employee thereof who is in good faith following a course of treatment developed in accordance with accepted medical standards or who is acting in good faith in accordance with a living will as provided in Chapter 32 of Title 31, a durable power of attorney for health care as provided in Chapter 36 of Title 31, an order not to resuscitate as provided in Chapter 39 of Title 31, or the instructions of the patient or the patient's lawful surrogate decision maker; nor shall the provisions of this Code section require any physician or any institution licensed in accordance with Chapter 7 of Title 31 or any employee or agent thereof to provide health care services or shelter to any person in the absence of another legal obligation to do so."

SECTION 3.

This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.